

**REMARKS**

The Office Action dated July 26, 2005, has been received and carefully considered. In this response, claims 1, 4, 11, 14, and 20 have been amended, and claims 2, 3, 12, and 13 have been cancelled without prejudice. Entry of the amendments to claims 1, 4, 11, 14, and 20, and the cancellation of claims 2, 3, 12, and 13 without prejudice is respectfully requested. Reconsideration of the outstanding rejections in the present application is also respectfully requested based on the following remarks.

**I. THE NON-STATUTORY SUBJECT MATTER REJECTION OF CLAIMS 10 & 20**

On page 2 of the Office Action, claims 10 and 20 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. This rejection is hereby respectfully traversed.

The Examiner asserts that the medium is not limited to tangible embodiments. However, there is no such limitation on patentable subject matter as long as the claimed invention as a whole accomplishes a practical application. That is, it must produce a "useful, concrete and tangible result." State Street Bank & Trust Co. v. Signature Financial Group Inc., 149 F.3d 1368, 1373, 47 USPQ2d 1596, 1601-02. Furthermore, Applicants

direct the Examiner to the case law set forth in In re Beauregard, 35 USPQ 2d 1383, 1384 (Fed. Cir. 1995) and others, which clearly provide a patentable subject matter basis for claims 11 and 20.

In view of the foregoing, it is respectfully requested that the aforementioned non-statutory subject matter rejection of claims 10 and 20 be withdrawn.

## II. THE ANTICIPATION REJECTION OF CLAIMS 1-20

On pages 3-11 of the Office Action, claims 1-20 were rejected under 35 U.S.C. § 102(b) as being anticipated by Bleiweiss et al. (U.S. Patent No. 5,970,107). This rejection is hereby respectfully traversed with amendment.

Under 35 U.S.C. § 102, the Patent Office bears the burden of presenting at least a prima facie case of anticipation. In re Sun, 31 USPQ2d 1451, 1453 (Fed. Cir. 1993) (unpublished). Anticipation requires that a prior art reference disclose, either expressly or under the principles of inherency, each and every element of the claimed invention. Id.. "In addition, the prior art reference must be enabling." Akzo N.V. v. U.S. International Trade Commission, 808 F.2d 1471, 1479, 1 USPQ2d 1241, 1245 (Fed. Cir. 1986), cert. denied, 482 U.S. 909 (1987). That is, the prior art reference must sufficiently describe the

claimed invention so as to have placed the public in possession of it. In re Donohue, 766 F.2d 531, 533, 226 USPQ 619, 621 (Fed. Cir. 1985). "Such possession is effected if one of ordinary skill in the art could have combined the publication's description of the invention with his own knowledge to make the claimed invention." Id..

The Examiner asserts that Bleiweiss et al. discloses a method for synchronizing clocks in a network comprising the steps of: receiving a first timestamp and a second timestamp each indicating a respective time instance within the network; measuring a first time interval between the first timestamp and the second timestamp as determined by a first clock signal; measuring a second time interval between the first timestamp and the second timestamp as determined by a second clock signal; generating a difference signal representing a difference between the first time interval and the second time interval; filtering the difference signal; and generating the second clock signal based upon the filtered difference signal such that the second clock signal is synchronized with the first clock signal.

However, it is respectfully submitted that Bleiweiss et al. fails to disclose, or even suggest, a method for synchronizing clocks in a network comprising the steps of: receiving a first timestamp and a second timestamp each indicating a respective

time instance within the network; delaying the first timestamp by a first delay amount; measuring a first time interval between the first timestamp delayed by the first delay amount and the second timestamp as determined by a first clock signal; delaying the first timestamp by a second delay amount; measuring a second time interval between the first timestamp delayed by the second delay amount and the second timestamp as determined by a second clock signal; generating a difference signal representing a difference between the first time interval and the second time interval; filtering the difference signal; and generating the second clock signal based upon the filtered difference signal such that the second clock signal is synchronized with the first clock signal, as presently claimed. Indeed, Bleiweiss et al. fails to disclose, or even suggest, anything regarding delaying a first timestamp by either a first delay amount or a second delay amount. Despite this deficiency, the Examiner asserts that Bleiweiss et al. does disclose delaying a first timestamp by a first delay amount at column 5, lines 2-5 (see Examiner's discussion regarding claims 2 and 12). However, at column 5, lines 2-5, Bleiweiss et al. merely discusses determining the slope of time stamps of a remote clock and a local clock. Clearly, this does not disclose delaying a first timestamp by either a first delay amount or a second delay amount, as

presently claimed. Thus, it is respectfully submitted that Bleiweiss et al. does not teach, or even suggest, the presently claimed invention. Accordingly, it is respectfully submitted that claim 1 should be allowable.

At this point it should be noted that claim 1 has been amended to include some of the limitations of claims 2 and 3, and claims 2 and 3 have been cancelled without prejudice. Thus, no new search regarding these limitations should be required.

Claims 4-10 are dependent upon independent claim 1. Thus, since independent claim 1 should be allowable as discussed above, claims 4-10 should also be allowable at least by virtue of their dependency on independent claim 1. Moreover, these claims recite additional features which are not claimed, disclosed, or even suggested by the cited references taken either alone or in combination. For example, claim 4 recites that the first delay amount and the second delay amount are substantially equal delay amounts. It is respectfully submitted that Bleiweiss et al. does not teach, or even suggest, this claimed feature since Bleiweiss et al. does not teach, or even suggest, delaying a first timestamp by either a first delay amount or a second delay amount, as discussed above. Accordingly, it is respectfully submitted that claim 4 should be allowable. Also, claim 6 recites that the step of filtering the

difference signal comprises filtering the difference signal with a low pass filter such that the second clock signal is synchronized with the first clock signal based upon the filtered difference signal. It is respectfully submitted that Bleiweiss et al. does not teach, or even suggest, this claimed feature. Accordingly, it is respectfully submitted that claim 6 should be allowable. Further, claim 8 recites that the step of generating the second clock signal comprises controlling the period of a digitally controlled oscillator based upon the filtered difference signal. It is respectfully submitted that Bleiweiss et al. does not teach, or even suggest, this claimed feature. Accordingly, it is respectfully submitted that claim 8 should be allowable. Additionally, claim 9 recites that the step of generating the second clock signal comprises converting the filtered difference signal from a digital difference signal value into an analog difference signal value and controlling the period of a voltage controlled oscillator based upon the analog difference signal value. It is respectfully submitted that Bleiweiss et al. does not teach, or even suggest, these claimed features. Accordingly, it is respectfully submitted that claim 9 should be allowable. Regarding claims 5, 7, and 10, Applicants would like to remind the Examiner that, as stated in MPEP § 2112, "In relying upon the theory of inherency, the

examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art." Ex parte Levy, 17 USPQ2d 1461, 1464 (Bd. Pat. App. & Inter. 1990) (emphasis in original). The fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic. In re Rijckaert, 9 F.3d 1531, 1534, 28 USPQ2d 1955, 1957 (Fed. Cir. 1993).

Regarding claims 11 and 20, the same arguments presented above with respect to claim 1 may be applied to claims 11 and 20. Accordingly, since claim 1 should be allowable as discussed above, it is respectfully submitted that claims 11 and 20 should also be allowable.

At this point it should be noted that claim 11 has been amended to include some of the limitations of claims 12 and 13, and claims 12 and 13 have been cancelled without prejudice. Thus, no new search regarding these limitations should be required.

Regarding claims 14-19, the same arguments presented above with respect to claims 4-9 may be applied to claims 14-19. Accordingly, since claims 4-9 should be allowable as discussed above, it is respectfully submitted that claims 14-19 should

also be allowable based upon the arguments presented above with respect to claims 4-9. Also, claims 14-19 should also be allowable by virtue of their dependency on independent claim 11, which should also be allowable as discussed above.

In view of the foregoing, it is respectfully requested that the aforementioned anticipation rejection of claims 1-20 be withdrawn.

### III. CONCLUSION

In view of the foregoing, it is respectfully submitted that the present application is in condition for allowance, and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed telephone number, in order to expedite resolution of any issues and to expedite passage of the present application to issue, if any comments, questions, or suggestions arise in connection with the present application.

To the extent necessary, a petition for an extension of time under 37 CFR § 1.136 is hereby made.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-0206, and please credit any excess fees to the same deposit account.



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